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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/668,222	09/24/2003	Kent L. Widrick	3330/2	1595
23338	7590	07/28/2004	EXAMINER	
DENNISON, SCHULTZ, DOUGHERTY & MACDONALD 1727 KING STREET SUITE 105 ALEXANDRIA, VA 22314			NGUYEN, KIEN T	
			ART UNIT	PAPER NUMBER
			3712	

DATE MAILED: 07/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/668,222

Applicant(s)

WIDRICK ET AL.

Examiner

Kien T. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Johnson U.S. Patent 2,587,855.

Johnson disclosed an ice skating rink comprising a luminescent skating surface; a source of ultraviolet light (28) and means (18) for directing the ultraviolet light on the skating surface to thereby illuminate the skating surface; the rink including a layer of natural ice (8) and luminescent material (10, 12) disposed within the layer (8), the layer (8) is also considered a base layer of natural ice and a frozen coating (16) which includes a luminescent material disposed on top the base layer of ice; the luminescent material is a colored paint which is considered equivalent or same as fluorescent dye or pigment.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson ('855).

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It is noted that Johnson failed to specifically disclose a variable source of white light for illuminating the rink. However, many if not most of these skating rinks are indoor and it is very well known that a variable source of white light is provided within the rink or building to illuminating the rink. Therefore, it would have been a matter of design choice to provide the variable source of white light for the reason as stated above.

Claims 6-8, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson ('855) in view of Toshio et al. U.S. Patent 4,169,688.

It is noted that Johnson failed to teach the use of an artificial skating surface with the structural features as set forth in these claims. However, Toshio disclosed an artificial ice skating rink comprising a plurality of synthetic resin panels (2) each of which has a substantially planar upper major surface, a planar lower major surface and peripheral sides extending there between, means (3, 4) in the form of a metal spline (4) (column 2, line 28) and groove (3) for maintaining the panels in a side-by-side juxtapositioned abutting relationship to thereby form a relatively smooth skating surface as shown in Fig. 6, and a generally flat base (8) for supporting the panels thereon. Therefore, it would have been obvious to one of ordinary skill in the art to modify the ice layer (8) with the panels (2) as taught by Toshio for the purpose of providing an all season skating surface as well as reducing the maintenance cost of the skating surface.

Claims 9-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson ('855) in view of Toshio as applied to claim 7 above, and further in view of Nirenski et al. U.S. Patent 3,771,891.

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It is noted that the combination of Johnson and Toshio failed to teach the use of frame adjustment means as set forth in these claims. However, Nirenski et al disclosed an artificial ice skating rink having frame adjustment means (15) as shown in Figs. 3 and 6 for forcing and maintaining the panels tightly together and for compensating for changes in temperature. Therefore, it would have been obvious to one of ordinary skill in the art to modify the combination of Johnson and Toshio with the frame adjustment means as taught by Nirenski et al for the reason as set forth above.

Conclusion


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The enclosed references show various features of ice skating rink.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kien T. Nguyen whose telephone number is (703) 308-2493. The examiner can normally be reached on 7:30 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on (703) 308-1745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kien T. Nguyen
Primary Examiner
Art Unit 3712

Ktn